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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/631,184 | 07/31/2003 | William Neal House | 11336/275 (P03005US) | 1427 |

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INDIANAPOLIS OFFICE 27879
BRINKS HOFER GILSON & LIONE
ONE INDIANA SQUARE, SUITE 1600
INDIANAPOLIS, IN 46204-2033

EXAMINER

BARFIELD, ANTHONY DERRELL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3636

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,184

Applicant(s)

HOUSE, WILLIAM NEAL

Examiner

Anthony D Barfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 6, 10, 11, 19, 24-27, 31, 36, 40 and 41 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32, 33, 44, 45 and 47-52 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 12, 34, 35, 37-39 and 42 is/are rejected.
- 7) ☒ Claim(s) 13-18, 20-23, 28, -30, 43 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3&7</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species V, Figures 10-11, sub species I Figures 12-13 and sub-species II, figure 17 in the reply filed on 10/04/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 6, 10-11, 19, 24-27, 31, 36, and 40-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/04/04.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 8, 9, 12, 34-35, 38-39, 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Nordskog. Nordskog shows the use of first and second (arranged as dipole) speakers (58, 58a, 126) having respective first and second lateral dimensions coupled to a seatback (12). Nordskog shows the use of a sound barrier (28, 30) coupled to the seatback between the first and second speakers, whereby an outermost surface is spaced from the surface of the seatback (Figs. 2 and 3). Applicant is reminded that any solid or fluid material acts

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inherently acts as a barrier to sound with varying thresholds. The speakers will inherently produce a right channel or left channel audio program when programmed/mounted by a user.

5. Claims 1-5,7-9,12, 34-35, 37-39, 42 are rejected under 35 U.S.C. 102(b) as being anticipated by McCorkle. McCorkle shows the use of first and second (arranged as dipole) speakers (26,28) having respective first and second lateral dimensions coupled to a seatback (S). McCorkle shows the use of a sound barrier (12,18) coupled to the seatback between the first and second speakers, whereby an outermost surface is spaced from the surface of the seatback (vertically as shown in Figs. 1 and 2). The speakers will inherently produce a right channel or left channel audio program when programmed/mounted by a user.

Allowable Subject Matter

6. Claims 13-18,20-23,28,-30,43 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable over the prior art made of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 32-33,44-45, and 47-52 are allowed over the prior art made of record.

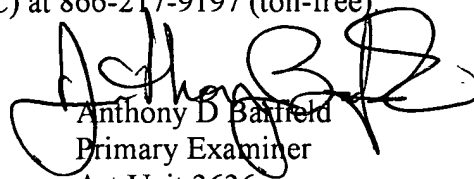
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference Nos. 5,624,156, 4,638,844, and 4,042,791 show features of the claimed invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D Barfield whose telephone number is 703-308-2158. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)


Anthony D Barfield
Primary Examiner
Art Unit 3636

adb
December 26, 2004